

CAUSE NO. 11-01506-I

MARY KAY INC.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	DALLAS COUNTY, TEXAS
TAMARA JANE HOFFMAN	§	
	§	
Defendant.	§	162nd JUDICIAL DISTRICT
	§	

AGREED PERMANENT INJUNCTION AND DISMISSAL WITH PREJUDICE

Before the Court is the parties' Joint Motion for Entry of Agreed Permanent Injunction and Dismissal With Prejudice. Pursuant to Section 65.011 of the Texas Civil Practice and Remedies Code, and the agreement of the parties, the Court enters judgment for Plaintiff Mary Kay Inc. ("Mary Kay") against Defendant Tamara Jane Hoffman.

The Court is of the opinion that Defendant has engaged and is engaging in conduct that constitutes the misappropriation of Mary Kay's trademarks and tortious interference with its contractual and business relationships. The Court finds that unless the commission of these acts is enjoined, Mary Kay will suffer irreparable damage to its business standing, goodwill, and reputation. Such damages include continued deception and confusion in the marketplace regarding the identity of individuals who are legitimately authorized to market Mary Kay products, as well as irreparable damage to the goodwill associated with Mary Kay's trademarks, the assurance of guarantees provided to purchasers of Mary Kay products, and the maintenance of its existing contractual relationships with Mary Kay Independent Beauty Consultants ("IBCs").

In order to resolve the dispute between them, the parties have moved the Court to enter

this Permanent Injunction.

IT IS THEREFORE ORDERED THAT:

Tamara Jane Hoffman, her current and former, agents, servants, employees, and those persons in active concert or participation with her who receive actual notice of this Order by personal service or otherwise, are enjoined from:

(a) Selling, offering to sell and/or distributing any products manufactured by Mary Kay without the prior written consent of Mary Kay;

(b) interfering with existing contractual relationships between Mary Kay and its IBCs by buying Mary Kay products from individuals who have or have had an existing contractual relationship with Mary Kay for the purpose of facilitating the marketing and resale of such products in a retail or service establishment environment;

(c) soliciting Mary Kay IBCs to sell Mary Kay products in breach of the Independent Beauty Consultant Agreements;

(d) using the May Kay trademark in connection with the sale or resale of Mary Kay products;

(e) using the Mary Kay trademark in any advertisements;

(f) falsely or misleadingly representing herself and her activities, goods, and services to be sponsored by, approved by, or affiliated with Mary Kay;

(g) falsely or misleadingly representing any product sold by Tamara Jane Hoffman as originating from, being sponsored by, or approved by Mary Kay;

(h) inducing, assisting, or abetting any other person or business entity to engage in or perform any of the activities referred to in subparagraphs (a)-(g) above unless authorized to do so by Mary Kay Inc.

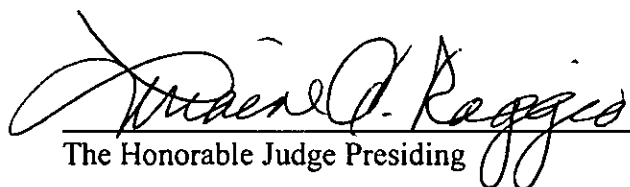
This Court retains jurisdiction over Tamara Jane Hoffman to enforce any and all aspects of this Permanent Injunction. The Court retains further jurisdiction to award Mary Kay amounts for costs, attorneys' fees and such other relief as may be just and proper arising by reason of any future claim of violation of this Agreed Permanent Injunction.

IT IS FURTHER ORDERED that this case be and hereby is DISMISSED WITH PREJUDICE, with each party to bear its own costs, except that this Court shall retain jurisdiction over this matter for the purpose of enforcing this Agreed Permanent Injunction and this cause shall not be considered dismissed to the extent it must remain pending to do so.

All relief not specifically granted herein is denied. This is a final appealable judgment disposing of all claims and parties.

SO ORDERED.

ENTERED and Signed on this 22nd day of March, 2011.


The Honorable Judge Presiding

AGREED TO AS TO FORM AND SUBSTANCE:



Lars L. Berg

State Bar No. 00787072

Preston R. Mundt

State Bar No. 24058465

KELLY HART & HALLMAN LLP

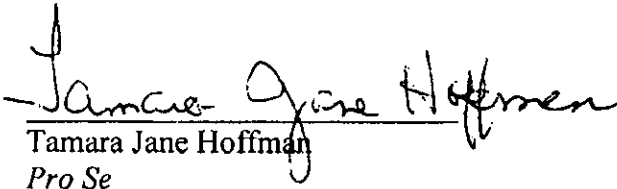
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